

ENVIRONMENTAL PROTECTION COMMISSION
SPECIAL MEETING/PUBLIC HEARING
MINUTES
May 28, 2008

7:30 P.M.
Room 119, Town Hall

Chairman Hillman called the meeting to order at 7:38 P.M. Commission Members Present: Peter Hillman, Susan Cameron, Michael Tone, Pete Kenyon, Ellen Kirby, Rick Rohr, and Craig Flaherty.

Staff Present: Richard Jacobson

Court Reporter: Bonnie Syat

Mr. Hillman read the first hearing item:

EPC-16-2007, 5 Holly Lane Associates (formerly Patrick Goulding and Anna Zaranski), proposing an amendment to the drainage plan and a sump pump discharge to a regulated area.

Attorney Robert Maslan represented the applicant. He introduced Attorney Amy Boland, Todd Ritchie, P.E., and property owners Vincent Sciarretta and Arnold Karp.

Mr. Hillman noted the new items in the file, including a letter from Attorney Gleason with an attachment from Doug Divesta, P.E., a letter from DPW, and a letter from Attorney Maslan requesting copies of all correspondence and conversations with EPC members.

Mr. Hillman described the e-mails he has received and a conversation he had with Cheryl Russell.

Ms. Cameron said she has received similar blast e-mails.

Mr. Tone, Mr. Rohr, Ms. Kirby and Mr. Kenyon said they have not had any communications with the public. Mr. Flaherty said he has not had any e-mails or conversations regarding the application since the public hearing opened.

Mr. Hillman noted the receipt of a report from Barry Hammons, P.E and a May 21 letter from Todd Ritchie.

Mr. Maslan submitted photos and a topographic survey showing previous contours and existing contours.

Mr. Hammons said he raised questions in his May 1 report after his first site visit. He said he attended the May 7 meeting and heard the concerns raised. He said the engineering report shows that the difference in stormwater runoff has been attenuated and the issue is sump pump water being discharged. He said his analysis of the site plan showed that the new development has reduced impervious surface area and recommended a deed stipulation that the driveway remain either gravel or unpaved pervious type surface like concrete pavers. He requested an analysis of the 36 inch pipe which has a 135 acre watershed. He said the scope of the Holly Lane problem is beyond the scope of 5 Holly Lane. He said the Stearns and Wheler plan will accomplish the necessary mitigation. He said his May 21 addendum to his report provided his own estimate of the time of concentration for

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the watershed as 72 minutes. He said the time of concentration from the site is 14 minutes and it would be unwise to delay water runoff. He said the sump pump from the new house adds steady flow but not peak flow. He said the pump is not affected by rainfall. He said 20,000 gallons over a 24 hour period may sound alarming to some but the stream can receive 24 million gallons in a storm. He said that, in his professional opinion, there will be no adverse impacts from the proposal. He recommended connecting the discharge to the catch basin and filling the trench.

Mr. Maslan said the DPW will only allow the connection to the catch basin if the EPC requires it.

Mr. Tone asked Mr. Hammons if it would be fair to conclude that there would be no adverse cumulative impacts provided the engineering design features are installed. Mr. Hammons said yes. Mr. Tone asked if the proposed rip-rap was in the Town right-of way. Mr. Hammons said yes. Mr. Tone asked if the Town system could handle the flow. Mr. Hammons said yes. Mr. Tone asked if the condition on the adjacent property would lessen or remain the same. Mr. Hammons said the effect would lessen. Mr. Tone asked if there were other alternative methods. Mr. Hammons said they would be prohibitive because it would require work off the site.

Mr. Flaherty asked Mr. Hammons if he had taken the background of flooding in the area into context. Mr. Hammons said he had heard anecdotal evidence of the road flooding and being impassable and emergency vehicles needing to be put in place. Mr. Flaherty asked if he compared the existing and proposed conditions for the design storm or for either side of the storm event. Mr. Hammons said there was a decrease for all storms above the 2 year storm.

Mr. Ritchie said there slight increase for the one year storm. Mr. Flaherty asked if the design would remedy the ponding condition occurring when there is no storm. Mr. Ritchie said that when the site is in a stable condition conditions will be indistinguishable from before.

Mr. Maslan described the photos he submitted of the plantings which have taken place that day.

Ms. Cameron asked about the tree removal done by the prior owner. She asked if the cedar tree in the regulated area was removed during construction. Mr. Maslan said the cedar was removed. Ms. Cameron asked if they had planted the small tree in the front yard. Mr. Maslan said yes.

Mr. Hillman asked the applicant to provide a list of any trees removed from the upland review area.

Mr. Rohr asked if the applicant considered digging a trench and installing a cut-off wall. He said an engineering analysis could be done to determine if the well drawdown would change the condition of the wetland. Mr. Ritchie said they were wetland soils and he did not think there would be a significant drawdown effect. He said he did not think slurry walls would solve the need for pumping.

Mr. Kenyon asked about the quality of the water being discharged. Mr. Hammons said the ground water and roof leader runoff is clean water. He said the sheet flow to the wetland would be cleaner as it is going through a biofilter. The runoff that goes directly to the road is the most potentially contaminated.

Mr. Hammons was asked to review the items in his May 1 report which were addressed.

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Attorney Wilder Gleason spoke representing Mr. and Mrs. Depp. He asked Mr. Hammons if the Cul-tech units were serving any useful purpose. Mr. Hammons said no. Mr. Gleason asked if the units should be removed because they were dewatering and discharging groundwater. Mr. Hammons said he did not think they were creating a groundwater discharge. Mr. Gleason asked if there would be a benefit to having a crawl space instead of a basement. Mr. Hammons said no.

Mr. Gleason said it would seem that having a 4 foot deep space instead of a 7 foot space would have less impact. He said the soil profiles were not known.

Todd Ritchie, P.E. spoke on behalf of Mr. and Mrs. Depp. He reviewed his questions and comment to the applicant's engineer. He said he agreed with the calculations for the detention system. He said an effort should have been made to not make the problem worse and try to improve the situation. He said the Cul-tech units are not working at full capacity. He said they should not be in groundwater. He suggested other methods could be used in the front yard, such as rain gardens. He said the applicant should provide more details on the bioswale and the rip-rap. He said compensation should be provided for the berm in the wetland. He said the applicant should consider reducing the sump pump depth.

The Commission temporarily adjourned this hearing to later in the evening.

Mr. Hillman read the next public hearing item:

EPC-15-2008, Steven and Barbara Kisken, 12 Brown Street, proposing demolition of existing house and new house construction within an upland review area.

Mark Lebow, Seymour Associates represented the applicant.

Mr. Hillman asked about a drainage plan and a planting plan. Mr. Lebow said they would provide those items. He said they were increasing the impervious coverage by 133 square feet. He said he thought they could get it down to no increase. He said the existing house has a basement with no sump pump. He said they are using an environmentally friendly geothermal heat pump system.

Ms. Cameron asked what percentage of the house was basement vs. crawl space. Ms. Kisken said that only the 1998 addition has a crawl space.

John Martucci, P.E. provided a drainage report. He said he reviewed the watershed map and the property is in the lower third of the watershed. He said they could remove some of the pavement to provide no net increase in net runoff.

Mr. Kenyon asked if they considered using grass pavers to further reduce impervious coverage. Mr. Martucci said they would look at using them in the turn-outs.

Mr. Hillman asked for comments from the public.

Laura Giobbi, said there has been overbuilding in town and these hearings on tear downs provide the public with an opportunity to have input. She also questioned the watershed area map and offered to provide Mr. Martucci with a map prepared by Redniss & Mead.

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Mr. Kenyon asked the location of the geothermal well to be shown.

Ms. Cameron asked for a guarantee they would not be pumping ground water. Mr. Lebow said he could not provide that tonight.

The Commission continued the hearing to June 18.

The Commission resumed the hearing on 5 Holly Lane.

Attorney Gleason said the discharge was affecting the quality of the wetlands. He said it was not part of the original approval. He submitted a copy of the Torello engineering report and said the applicant had a chance to just have a slab. He said a sump pump would operate more in a storm event. He said there were violations of the existing approval. He said the rain garden detail was provided with no soil investigation. He said there was no berm or planting in the regulated area proposed. He said the Keating letter required the Cul-techs be installed above ground water. He said the revised plans include reconstructing the stone wall and constructing a berm. He said the berm is taking up flood storage area. He said they installed a basement where none was approved. He said the flagstone patio does not appear to be pervious. He said there was a demonstrated impact on the wetlands and watercourse and that the applicant should be required to consider a crawl space. He said there should be documentation of the reduction in impervious surface. He said a bond should be required, the cedar tree should be replaced and the rain garden expanded. He provided a list of 14 points which he said the applicant should address.

Flora Smith, 42 Hamilton Lane, said she was the chairman of the RTM public works Committee. She said the Town is under funded in many areas. She said there should be dredging of known water courses but the Town is taking no action and not accomplishing 100% of storm water drain cleanouts. She said Mr. Hammons is not familiar with everything else in the area and her sump pump runs when it is raining. She suggested a moat around the property.

Cheryl Russell, 18 Holly Lane submitted the real estate listing for the property. She said the grate was under water every day. She said Holly Lane was under water from a sump pump at the high school during the storm in the fall. She said Barry Hammons was hired by the EPC but never met with the neighbors.

Mr. Kenyon asked how many houses on Holly Lane have basements. Ms. Russell said most have crawl spaces.

Ms. Russell said the builder is in violation of the permit conditions. She said it never occurred to them that a basement would be put in.

Mr. Gleason said the plans do not show the pipes to the rain garden. Mr. Ritchie addresses the site grading and said the pipes were necessary to get the water to the rain garden.

Mr. Depp provided photos of the site taken from his property and the Jacobson property. Barry Grandon, 1 Old Parish Road, said he is concerned with the sump pump discharge and the pumping of subterranean water.

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Mr. Depp asked how the wetlands would be restored. He said either way he is dealing with water whether it goes to the catch basin or the stream. He disagreed that sump pumps are not affected by rain water. He said the stream cannot handle more flow.

Susan Jacobson, 3 Holly Lane said something needs to be done about the area and said the Cedar tree was taken down.

The Commission discussed the following additional information for the next hearing: Define any adverse impacts to the regulated area, provided an updated site plan, list trees removed, provide a subsurface analysis of drawdown affect on wetland, consider rain gardens in lieu of Cul-techs and provide details on the rip-rap.

Mr. Maslan said that the wetland analysis would be limited to the proposed changes to the plan.

The public hearing was continued to June 25.

Ms. Cameron made a motion to adjourn. Ms. Kirby seconded the motion and it passed unanimously. The meeting was adjourned at 12:35 a.m.

Respectfully submitted,

Richard B. Jacobson
Environmental Protection Officer